

03-27-03

16 PH

163-4

EXPRESS MAIL NO. EV207745168US

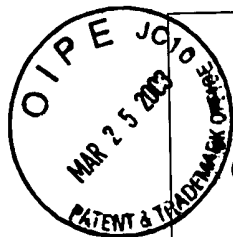
PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(To be used for all correspondence
after initial filing)

Application Number	09/801,196
Filing Date	March 6, 2001
First Named Inventor	Kai Wang
Group Art Unit	1634
Examiner Name	Jehanne E. Souaya
Attorney Docket No.	240083.509

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Additional Enclosure(s) (please identify below): _____ _____ _____
--	---	--

Remarks

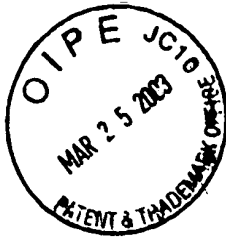
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name		 00500 PATENT TRADEMARK OFFICE
Signature	Mae Joanne Rosok	<i>Mae Joanne Rosok</i>
Date	March 25, 2003	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name	***Sent via Express Mail***	
Signature		Date:



EXPRESS MAIL NO. EV207745168US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kai Wang et al.
Application No. : 09/801,196
Filed : March 6, 2001
For : A NOVEL MATRIX METALLOPROTEINASE
(MMP-25) EXPRESSED IN SKIN CELLS
Examiner : Jehanne E. Souaya
Art Unit : 1634
Docket No. : 240083.509
Date : March 25, 2003

Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Office Action with Restriction Requirement dated February 25, 2003, Applicants hereby elect with partial traverse for reasons elaborated below, Group I, claims 1 and 5-7, directed to polynucleotides, vectors, and host cells comprising polynucleotides, for examination at this time. Applicants further elect, with traverse, the nucleotide sequence according to SEQ ID NO:5. For reasons discussed below, Applicants respectfully request that claims 3 and 4 be rejoined to the elected claims for examination at this time. Applicants reserve the right to pursue, without prejudice, the subject matter of the non-elected groups in a subsequent divisional, continuation, or continuation-in-part application. Consideration of the Remarks submitted herewith and of the elected claims is now requested.

REMARKS

Applicants respectfully seek clarification with respect to characterization in the Restriction Requirement of the subject matter encompassed by particular pending claims as discussed below. Applicants wish to point out that claims 3, 4, and 16 are not included in any of Groups I-XI and that each of claims 12-14 is included in two Groups. Specifically, claim 12 is included in Groups IV and V; claim 13 is included in Groups II and IV; and claim 14 is included in Groups IV and X. Applicants respectfully request reconsideration of the Group designations for the subject matter of these non-elected claims.

Applicants respectfully request that claims 3 and 4 be rejoined to the elected claims in Group I (claims 1, 5-7) for examination at this time. Group I is directed to polynucleotides, vectors, and host cells comprising such polynucleotides, and claims 3 and 4 relate to identification of such nucleic acid molecules by hybridization. Applicants respectfully submit that concurrent examination of the subject matter of claims 3 and 4 with that of claims 1 and 5-7 in the present application would not create a serious burden on the Examiner. Specifically, Applicants submit that no undue search burden would arise were claims 3 and 4 to be rejoined to Group I because a search in the specialized area of the claimed metalloproteinase-encoding polynucleotides would be expected also to yield any references, should they exist, having relevance to complementary, hybridizing sequences.

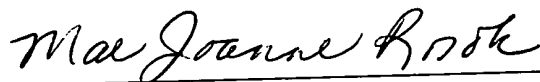
Applicants also respectfully traverse the requirement further to elect a single nucleic acid sequence. Contrary to the assertion in the Action that "it cannot be determined, for example, how SEQ ID NO:1 and SEQ ID NO:3 or SEQ ID NO:1 and SEQ ID NO:5 are related to each other," applicants respectfully submit that the relationship among these sequences is clearly provided by the present application, for example, in the specification at page 10, lines 17-22; at page 15, line 24 through page 16, line 29; at page 21, line 23, through page 22, line 4; in Examples 1 and 2 (pages 62-63); and elsewhere; and in Figure 3. Accordingly, Applicants elect SEQ ID NO:5 solely for purposes of responding to the Restriction Requirement, and respectfully request that this further requirement for election of a single sequence be reconsidered in the

context of the teachings of the present application. Consideration of the present Remarks and the elected claims is now requested.

Respectfully submitted,

Kai Wang et al.

Seed Intellectual Property Law Group PLLC

A handwritten signature in cursive script, reading "Mae Joanne Rosok", written in dark ink.

Mae Joanne Rosok
Registration No. 48,903

MJR:sd

Enclosure:
Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031
D:\NrPortbl\iManage\SANDID\365526_1.DOC